

Docket No. 12054-0027



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
U.S. Designated/Elected Office (DO/EO/US)

In re Application of:

Yoshitake NATSUME et al.

Examiner: Sample, D.

Serial No.: 10/501,996

Art Unit: 1755

Filing Date: July 21, 2004

For: SINTERED OBJECT OF SILICON MONOXIDE AND METHOD OF PRODUCTION
THEREOF

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned hereby declare:

1) I am one of the inventors of the invention described in the above-captioned patent application.

2) I am also familiar with United States Published Patent Application No. 2004/0182700 to Natsume et al. which is entitled "Silicon Monoxide Sintered Product and Method for Production Thereof" (hereinafter the Natsume publication).

3) I am also familiar with the Office Action dated December 6, 2005, wherein the Examiner rejected claims 1-5 of the instant application and alleged that the invention of these claims was disclosed in the Natsume publication.

Serial No.: 10/501,996

4) The Examiner in the instant application relied on unclaimed disclosure in the Natsume publication, i.e., paragraphs [0054], [0066], [0067], [0069] and Examples 1, 3, and 4 to reject claims 1-5. This unclaimed disclosure in the Natsume publication was derived from me. Thus, this disclosure is not the invention "by another" and it is not prior art against the instant application.

I hereby declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 2006/2/16

Yoshitake Natsume
Yoshitake Natsume